

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

THE ESTATE OF ERIK A.) CIVIL NO.CV04-00428 LEK
POWELL, THROUGH)
PERSONAL REPRESENTATIVE)
MARY K. POWELL; THE)
ESTATE OF JAMES D.)
LAUGHLIN, THROUGH)
PERSONAL REPRESENTATIVE)
RAGINAE C. LAUGHLIN;)
MARY K. POWELL,)
INDIVIDUALLY; RAGINAE)
C. LAUGHLIN,)
INDIVIDUALLY; CHLOE)
LAUGHLIN, A MINOR,)
THROUGH HER NEXT)
FRIEND, RAGINAE C.)
LAUGHLIN,)
Plaintiffs,)
vs.)
CITY AND COUNTY OF)
HONOLULU,)
Defendant.)
and) DEPOSITION OF:
CITY AND COUNTY OF) RALPH S. GOTO
HONOLULU,)
Third-Party) Wednesday
Plaintiff,) October 11, 2006
vs.)
UNIVERSITY OF HAWAII, a)
body corporate; JOHN)
DOES 1-10, JANE DOES)
1-10, DOE CORPORATIONS)
and DOE ENTITIES,)
Third-Party)
Defendants.)

EXHIBIT "29"

<p>1 A. Well, the replacement plan originally 2 was approved five years ago. The budget request 3 for that specific tower was, I believe, approved 4 for the 2006 or 2007 fiscal year.</p> <p>5 Q. And do you know where that new tower is 6 to be located?</p> <p>7 A. We intend to place that new tower at 8 the far end of -- let's see. What direction is 9 that? South. The southern end.</p> <p>10 Q. The side closest to Witches Brew?</p> <p>11 A. Yes.</p> <p>12 Q. Do you ever have a surplus in your 13 budget?</p> <p>14 A. No, ma'am.</p> <p>15 Q. Okay. I had to ask.</p> <p>16 The jet ski that was being used in 17 2002, I understand that it covered an area, and 18 that area spanned from Kailua Beach to Hanauma 19 Bay. Is that right?</p> <p>20 A. Yes.</p> <p>21 Q. And who determined where the area 22 should span, where it should begin, where it 23 should end?</p> <p>24 A. Those are the boundaries of that 25 district. Hanauma Bay is included in what we</p>	<p>Page 30</p> <p>1 that there were twelve drownings that year? 2 A. I am. 3 Q. And prior to 2002, what is your 4 recollection as to the most drownings that 5 occurred at Hanauma Bay prior to 2002? 6 A. Three or four. 7 Q. So you agree that twelve drownings is a 8 significant number? 9 A. Yes, I do. 10 Q. And ever since 2002, have there been as 11 many as twelve -- 12 A. No. 13 Q. -- in one year? 14 During that year -- well, in your 15 opinion, from your experience, what do you 16 attribute that number of drownings to? 17 MR. MAYESHIRO: You mean his personal 18 opinion? 19 MS. WATERS: Yes. 20 THE WITNESS: I wish I could tell you. 21 Obviously, twelve drownings at any beach is cause 22 for concern. And it certainly caused a lot of 23 concern in the division. Why they drowned, I 24 don't know. I think what we try to do in those 25 situations is to gather enough information or as</p>
<p>1 call the Windward District, which begins, 2 actually, from Maunalua Bay in Hawaii Kai and 3 goes all the way to Kailua. So the captain that 4 we talked about is responsible for that 5 district. And that ski was assigned to that 6 district. I think at that time we had one ski 7 per district.</p> <p>8 Q. And now how many do you have?</p> <p>9 A. We try to have one in service at each 10 district every day. As far as how many do we 11 have, I think we have probably eighteen actual, 12 you know, craft. But the requirement is to put 13 one operational ski out there every day.</p> <p>14 Q. And the purpose of the roaming jet 15 ski?</p> <p>16 By "roaming," I mean that it covers an 17 entire district.</p> <p>18 A. Respond to situations as they occur.</p> <p>19 Q. Are there instances when the jet ski is 20 not able to reach the destination based on where 21 it is at the time of the call?</p> <p>22 A. There may be times when that occurs, 23 yes.</p> <p>24 Q. Going to 2002, the year that the 25 incidents in this case occurred, you're aware</p>	<p>Page 31</p> <p>1 much information as we possibly can of events 2 leading to the event. We did look at those 3 twelve drownings very, very closely and tried to 4 figure out what exactly was the cause of the 5 drownings and what could be implemented to, you 6 know, remedy that situation. Unfortunately, you 7 can't interview these people, so you don't know 8 exactly what happened and exactly what led up to 9 their demise.</p> <p>10 But there are some things that you can 11 look at, I believe. It's my opinion that you can 12 look at, for instance, experience, the level of 13 fitness, their level -- their medical 14 conditions, look at where they were, what kind of 15 activity they were engaged in.</p> <p>16 In fact, all twelve of those people 17 were snorkeling. And what may have happened 18 during the time -- because I don't think -- 19 well, strike that. I'm sorry. It's just really 20 hard to determine because you don't know. And 21 you just try your best to recreate or to look at 22 maybe common things that happened to these 23 people.</p> <p>24 They were, I think, without exception 25 visitors. Half of the twelve were from the</p>